

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID FERN HAWLEY,

Plaintiff,

vs.

RAYMOND GELABART, et al.,

Defendants.

Case No. 1:06-cv-209

Hon. Gordon J. Quist

ORDER

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983, alleging that defendants denied him treatment for hypoglycemia. On October 5, 2006, the court granted a motion to dismiss filed by defendant Gelabert based on the total exhaustion rule. *See* docket nos. 36, 37. Due to a docketing error, the doctor remained a named defendant in this action. The next day, the court granted defendant's first motion for access to plaintiff's medical records, finding in pertinent part as follows:

Defendants are entitled to obtain copies of plaintiff's medical records pursuant to Fed. R. Civ. P. 26(b)(1). Plaintiff will not be inconvenienced by defendants' request to produce his medical records. He can comply with the discovery request by signing the medical release.

See docket no. 38. It appears that Dr. Gelabert, whose motion to dismiss had been granted, did not pursue this discovery against plaintiff.

On February 29, 2008, the court reinstated Dr. Gelabert as a defendant in this action. *See* docket no. 54. This matter is now before the court on the doctor's "renewed discovery motion for access to plaintiff's medical records" (docket no. 58). In his response to the motion, plaintiff submitted copies of an authorization for disclosure of health information limited to "medical records

that pertain to diabetes.” The court previously determined that Dr. Gelabert was entitled to receive copies of plaintiff’s medical records. Plaintiff provides no good reason to restrict defendant’s access to medical records pertaining only to diabetes. Accordingly, for the reasons as stated in the court’s October 6, 2006 order, Dr. Gelabert’s renewed motion for access to plaintiff’s medical records is **GRANTED**.

IT IS SO ORDERED.

Dated: August 13, 2008

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge